

MARCH 6, 2008MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTIN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**JUDGE GETTLEMAN
MAGISTRATE JUDGE ASHMAN**

Mohammad TABATABAEI)	
A07 531 2124)	
)	
Plaintiff,)	
)	NO.
)	
v.)	
)	
Michael CHERTOFF, Secretary of U.S.)	
Department of Homeland Security; Michael)	J. N.
B. MUKASEY, U.S. Attorney General; Emilio T.)	
GONZALEZ, Director, U.S. Citizenship &)	
Immigration Services; Kay F. LEOPOLD, U.S.)	
Citizenship & Immigration Services, Milwaukee)	
Field Office Officer-in-Charge; F. Gerard)	
HEINAUER, Acting Director, Nebraska Service)	
Center; and Robert S. MUELLER, III, Director of)	
the Federal Bureau of Investigation,)	
)	
Defendants.)	

PETITION FOR HEARING ON NATURALIZATION APPLICATION

NOW COMES the Petitioner, Mohammad TABATABAEI, by and through his attorney, Stanley J. Horn of Horn, Khalaf, Abuzir, Mitchell & Schmidt, and Petitions this Honorable Court pursuant to Immigration & Nationality Act (“INA”) § 336(b) and 8 U.S.C. § 1447(b), to hold a hearing on this Naturalization Application, and in support thereof, states as follows:

STATEMENT OF ACTION

1. This petition is brought to compel action on an Application for Naturalization (“N-400”) under Section 334 of the Immigration and Nationality Act properly filed with the United States Citizenship and Immigration Services (“USCIS”) by the Plaintiff. To the Plaintiff’s detriment, Defendants have failed to adjudicate the application.

2. The Plaintiff applied for naturalization on July 24, 2006. The Plaintiff received a finger printing notice on August 2, 2006.
3. The Plaintiff's former attorney completed numerous follow ups requesting status of the application, all administrative remedies have been exhausted.

PRAYER

WHEREFORE, Plaintiff prays that this Court grant him the following relief:

- A. Assume jurisdiction over the case and naturalize him under the terms of 8 U.S.C. § 1447(b);
- B. Grant him citizenship pursuant to his application for naturalization, or, alternatively, order Defendants to adjudicate his application within 60 days;
- C. Award Plaintiff reasonable attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, for failure of the Defendants to perform their duties within the statutory time period; and
- D. Such other relief at law and in equity as justice may so require.

Respectfully submitted,
MOHAMMAD TABATABAEI

BY: s/ Stanley J. Horn
STANLEY J. HORN
Attorney for Plaintiff

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NOTICE OF FILING

TO: U.S. Attorney's Office
362 United States Courthouse
517 E. Wisconsin Ave.
Milwaukee, WI 53202
Via First Class Mail

Peter Keisler
U.S. Attorney General
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
Via First Class Mail

Robert S. Mueller, III
Federal Bureau of Investigation
935 Pennsylvania Ave., N.W.
Washington, DC 20535-0001
Via First Class Mail

Michael Chertoff
Office of General Counsel
U.S. Department of Homeland Security
Washington, DC 20528
Via First Class Mail

Special Assistant U.S. Attorney
Officer in Charge, USCIS-Chicago
219 S. Dearborn, 5th Floor
Chicago, IL 60604
Via First Class Mail

F. Gerard Heinauer
Nebraska Service Center
P.O. Box 87400
Lincoln, NE 68501-7400
Via First Class Mail

PLEASE TAKE NOTICE that on March 6, 2008, Plaintiff filed with the District Court for the Northern District of Illinois, his Petition for Hearing on Naturalization Application, a copy of which is hereby served upon you as indicated above.

s/ Stanley J. Horn
STANLEY J. HORN
Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned attorney certifies that he caused this Notice to be served upon the above addressed by mail service or hand delivery by 5:00 p.m. on March 6, 2008.

s/ Stanley J. Horn
STANLEY J. HORN
Attorney for Plaintiff

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